

DRAWING AMENDMENTS

Replacement drawing page 1/4 is enclosed herewith so as to show the appearance of the attachment bar (22) in Fig. 1 consistent with its appearance in Fig. 2.

REMARKS/ARGUMENTS

First, Applicant herewith submits Replacement Sheet 1/4 so as to show the appearance of the attachment bar (22) in Fig. 1 to be consistent with Fig. 2.

Second, with regards to the rejection of claims 6-9 under 35 USC § 112, Applicant has amended claim 5 so as to claim a rod attached to the canopy holder.

Third, with respect to the rejection of claims 1-3 and 6-16 under 35 USC § 103(a) for obviousness in view of the Tyrer and Winkler patents, Applicant has amended independent claim 1 and the specification so as to highlight one of the structural distinctions between his invention and that of the prior art, namely, that the Applicant's invention includes a permanently vertical and non-movable rigid securing frame that is not disclosed in the Tyrer and Winkler patents so as to allow the invention to stay in an upright manner without attaching the invention to a golf cart, that the legs of the securing frame have tabs located at the base end of the legs and that the at least one canopy support bar is pivotally attached to the tabs.

Although it is true the Tyrer patent discloses an attachment bar (36) having tabs (referred to as a pivot arm (37)) which support canopy support bars (referred to as a strut (58) and mid-strut (59)), it is not true that the Winkler patent discloses a frame similar to Applicant's frame in order to make Applicant's invention obvious in view of the Tyrer and Winkler patents. Rather, the Winkler patent discloses a framework (12) comprised of a plurality of rib members (16), (18), (20) and (22) which are similar in structure and function as the Tyrer strut (58) and mid-strut (59) and Applicant's canopy support bars (2) or (3). This distinction between the framework of the Winkler patent and the frame (1) of Applicant's invention is of great importance as Applicant's frame, as described in the currently amended claims and highlighted in the currently amended specification, is permanently vertical and non-movable, has tabs located at the base end of the legs and has at least one canopy support bar pivotally attached to the tabs. On the other hand, the framework of the Winkler patent is movable, thus requiring the framework to be attached to the golf cart in order to remain in a vertical position, and does not include tabs that allow the rib members to be pivotally attached to the framework.

As is shown in Fig. 1 of the Winkler patent, the rib members (16), (18), (20) and (22), which comprise the framework (12), are pivotally connected to one another so as to allow the rib members to rest upon one another wherein the first rib member (16) may be pushed back so as to rest upon rib member (18).

On the other hand, Applicant's frame (1) is not pivotally connected to the support bars (2) and (3). Rather, Applicant's frame is permanently upright and non-movable, thereby not requiring attachment of the Applicant's frame to the golf cart in order to protect golf club bags. The frame structure tab (8) of Applicant's invention allows for the support bars to be pivotally attached to the securing frame, but does not allow the frame itself to be pivotal. Therefore, even if a person having ordinary skill in the art were to combine the Winkler frame with the Tyrer attachment bar, Applicant's invention would not have been obvious as the frame of the Winkler patent is pivotally connected to the rib members whereas Applicant's frame is not pivotally connected to the support bars. In addition, the Winkler patent does not include the use of tabs located on the framework so as to create a pivot point located at a distance away from the non-movable frame.

In addition, even if the Winkler patent disclosed a frame identical to Applicant's frame, it still would not have been obvious to a person having ordinary skill in the art to combine the frame of the Winkler patent with the attachment bar and canopy of the Tyrer patent to create Applicant's invention as Applicant's attachment bar is structurally distinct from the Tyrer attachment bar.

The Tyrer patent discloses an attachment bar (36) that is secured to a pivot arm (37) having a mount end (53) that transitions to a receiving end (55). The receiving end has slots (57A) and (57B) that are sized to receive the ends of a strut (58) and mid-strut (59) as shown in Fig. 4. Thus, the attachment bar of the Tyrer patent has a pivot arm that accommodates the strut and mid-strut.

On the other hand, the attachment bar (22) of Applicant's invention does not include a pivot arm to accommodate the frame (1) or even the support bars (2) and (3), which are the closest elements in structure to the strut and mid-strut of the Tyrer patent. Rather, the attachment bar is fixedly attached to the inner leg sides of the frame as recited in independent

claim 1. Thus, the attachment bar of Applicant's invention is fixedly and directly secured to the frame.

Moreover, the pivot arm (37), which the examiner refers to as "tabs" in the Tyrer patent, are located on the ends of the attachment bar. On the other hand, the frame structure tabs (8) of Applicant's invention are located on the frame (1) itself, rather than on the attachment bar (22). Thus, although the Tyrer patent may include a pivot arm which the examiner likens to tabs, because the Tyrer tabs are located on the attachment bar and Applicant's tabs are located on the frame, it would not have been obvious to a person having ordinary skill in the art to combine the Tyrer attachment bar with the Winkler patent to create Applicant's invention.

Therefore, not only is the frame of Applicant's invention structurally distinct from the Winkler framework, but Applicant's attachment bar is structurally distinct from the Tyrer attachment bar as well. If one were to combine the Tyrer attachment bar having the "tabs" to the Winkler frame, the created invention would have a pivot point where the attachment bar connects with the movable Winkler frame, which would cause the entire frame to pivot, which is, once again, structurally dissimilar from Applicant's invention. Therefore, it would not have been obvious to one having ordinary skill in the art to combine the Tyrer patent with the Winkler patent to create Applicant's invention.

As amended claim 1 has been rewritten to include the elements of claim 2 and claims 3 and 6-16 are dependent upon claim 1, the remaining rejections based on obviousness in view of the Tyrer and Winkler patents is now moot.

Fourth, with respect to the rejection of claim 4 under 35 U.S.C. § 103(a) for obviousness based on the Tyrer, Winkler and Strange patents, although it is true the Strange patent discloses the use of a C-clamp to secure a golf cart club rack to a golf cart, as the Tyrer and Winkler patents, alone or in combination, do not disclose Applicant's invention as claimed in independent claim 1, the rejection of dependent claim 4 is moot.

Finally, with respect to the rejection of claim 5 under 35 U.S.C. § 103(a) for obviousness based on the Tyrer, Winkler and Peta patents, although it is true the Peta patent discloses the use of a C-shaped channel and insert to attach a canopy to a frame, as the Tyrer

and Winkler patents, alone or in combination, do not disclose Applicant's invention as claimed in independent claim 1, the rejection of dependent claim 5 is moot.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorneys of record is invited.

Respectfully submitted,
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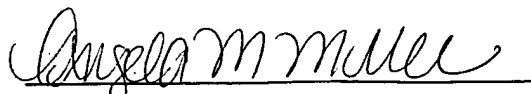
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I HEREBY CERTIFY that the above First Response and Amendment is being deposited with the United States Postal Service by "Express Mail Post Office to Addressee" service, U.S. Express Mail No. EQ 154346541 US, on the 15th day of March, 2006, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Attorney

Enclosures: Replacement Sheet 1/4